

Work Session

Agenda Item #	10
Meeting Date	March 28, 2005
Prepared By	Barbara B. Matthews
Approved By	

Discussion Item	Discussion of evaluation criteria for the City Attorney
Background	<p>The City contracts with Silber & Perlman, P.A. for legal services; Section III. B. of the contract between the City of Takoma Park and Silber & Perlman, P.A. states that “The City shall conduct annual performance reviews of Corporation Counsel’s work and also shall annually review and renegotiate, as appropriate, the monetary terms of this Contract.”</p> <p>The City Council recently met to discuss and to finalize the evaluation criteria for the City Attorney’s evaluation.</p>
Policy	In accordance with Section 902 of the Charter of the City of Takoma Park, the City Attorney is appointed by the City Council. The contract between the City and Silber & Perlman, P.A. provides for an annual evaluation. Such evaluations are a good mechanism for ensuring strong working relationships and for communicating priorities.
Fiscal Impact	None
Attachments	Copy of City Attorney’s performance evaluation form for 2005
Recommendation	The City Council will present the agreed upon evaluation criteria for the City Attorney.
Special Consideration	

**City Attorney
Performance Evaluation
2005**

Performance evaluations are done to provide the employee with feedback on performance, including areas identified as strengths or in need of improvement. Your candid assessment will enable the City Attorney to do a more effective job in meeting the expectations of the City.

The contract between the City and Silber & Perlman, P.A. outlines the legal services to be provided by the City Attorney. These services include the following:

- *Legislative drafting, including work on Charter, Code, ordinances, and resolutions*
- *Advice to the Mayor and Council and attendance at City Council meetings, as needed*
- *Draft, review, or give advice on municipal contracts, procurement, agreements, and other legal documents*
- *Ethics, open meetings, and public information act issues*
- *Community and economic development, including tree preservation, land use, master plan, and zoning issues*
- *Housing matters, including rent stabilization, landlord-tenant affairs, and code enforcement*
- *Personnel and labor relations matters, including collective bargaining*
- *Prosecution of municipal infractions, civil suits, and/or administrative proceedings brought by the City, and defense of administrative appeals, lawsuits, and claims brought against the City (except for cases and claims covered by the City's insurance where the City Attorney's role is to oversee and monitor such cases)*

Please evaluate the City Attorney's performance in the following areas, keeping in mind the scope of services outlined above. Your comments will be especially helpful in determining how the City Attorney's performance can be enhanced.

1. KNOWLEDGE OF FIELD

Does the City Attorney demonstrate expertise and competence in the application of the applicable law(s)? Does the City Attorney demonstrate an understanding of the policy underlying the law and the impact of legal decisions? Are answers to your questions given with certainty and authority?

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

2. COMMUNICATIONS

Does the City Attorney demonstrate verbal thoughts in an organized, clear, and concise manner? Can the City Attorney effectively communicate with a wide range of persons, including citizens, staff, and other attorneys? Are legal opinions and other written documents organized, clear, and concise?

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

3. DEPENDABILITY

Is the City Attorney reliable? Are assignments completed within prescribed deadlines? Does the City Attorney arrive at meetings on time?

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

4. INITIATIVE

Does the City Attorney keep up with new developments and changes in various facets of the law applicable to the City? Does the City Attorney apprise the City of new legislation and judicial developments that may impact the City? Do you feel legal advice is preventative in nature, as opposed to being corrective after an action or decision is made?

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

5. ETHICS, OPEN MEETINGS, AND PUBLIC INFORMATION ACT ISSUES

How would you rate the City Attorney's legal advice and guidance pertaining to ethics, open meetings, and public information act issues?

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

6. COMMUNITY AND ECONOMIC DEVELOPMENT

How would you rate the City Attorney's performance in the area of community and economic development? This performance area takes in account tree preservation, land use, master plan, and zoning issues.

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

7. HOUSING MATTERS

How would you rate the City Attorney's performance in the area of housing issues, which includes rent stabilization, landlord-tenant affairs, and code enforcement?

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

8. PERSONNEL AND LABOR RELATIONS

How would you rate the City Attorney's legal advice and guidance pertaining to personnel and labor relations matters, including collective bargaining issues?

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

9. LITIGATION

Please rate the City Attorney's work in the area of litigation. Relevant work includes prosecution of municipal infractions, civil suits, and/or administrative proceedings brought by the City, and defense of administrative appeals, lawsuits, and claims brought against the City (except for cases and claims covered by the City's insurance where the City Attorney's role is to oversee and monitor such cases)

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

10. LEGISLATIVE DRAFTING

How would you rate the City Attorney's performance in the area of legislative drafting? This area includes possible revisions to the City Charter and the Takoma Park Code, as well as the drafting of ordinances and resolutions.

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

11. SPECIALIZED COUNSEL

On occasion, the City may require legal assistance in specialized areas. Please rate the City Attorney's performance in the identification of those areas where the City would be best served by the retention of specialized counsel. Additionally, have you been satisfied with the work performed by the specialized counsel recommended by the City Attorney?

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

12. OVERALL PERFORMANCE

My overall evaluation of the City Attorney's performance for the past year is:

Poor	Below Avg	Satisfactory	Good	Excellent
1	2	3	4	5

(I do not have enough personal knowledge to evaluate the City Attorney for this category)

Comments:

13. STRENGTHS AND IMPROVEMENTS

A. What do you consider to be the City Attorney's greatest strengths?

B. What areas need to be improved?

C. What are two things that the City Attorney's Office does not currently do that you would like for it to do?

14. ANY ADDITIONAL COMMENTS

Evaluator's Signature